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August 15, 2012

Hon. Gary R. Brown, U.S.M.J.  
UNITED STATES DISTRICT COURT  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

**RE:     *Thomas M. Graff v. United Collection Bureau, Inc., et al.***  
E.D.N.Y. Case No. 2:12-cv-02402-JS-GRB

Dear Judge Brown,

I am co-counsel for the above Plaintiff. I am writing this letter pursuant to this Court's Order, which was entered on the record at the Initial Conference held on August 1, 2012, and which directed the Parties to "advise the Court within 2 weeks regarding potential settlement of the action..." and directed Plaintiff to "inform Judge Wexler within 2 weeks regarding relating cases." [Doc. 10].

With respect to the Parties settlement discussions, I regret to inform Your Honor that my office has on three occasions raised the issue of settlement with Defendant's counsel and tried to schedule a time to discuss same, but Defendant's counsel refuses to engage in such discussions. In fact, my last conversation with Defendant's counsel, Barry Jacobs, was on August 13, 2012. During that very brief conversation I reminded Mr. Jacobs that Your Honor ordered the Parties to engage in early settlement discussions; however, he responded that he would speak with his co-counsel, Shari Sckolnick, and would respond to me. To date, I have still have not received a response from Mr. Jacobs or Ms. Sckolnick. That said, I reiterate for the Court that Plaintiff remains willing and ready to engage in early discussions in an effort to resolve this case should Defendant later decide to change its current litigation posture and engage in such discussions.

With respect to relating this case with the case currently before Judge Wexler (*Gravina, et al. v. United Collection Bureau, Inc., et al.*, U.S. Dist. Court, E.D.N.Y. Case No. 2:09-cv-04816-LDW-AKT), Plaintiff filed his Notice of Related Case earlier today in that case. [See, *Gravina* Doc. 38]. Plaintiff further filed another Notice of Related Case in this action. [Doc. 12]. In preparing the foregoing Notices of Related Cases my research revealed that there is yet a third related – class action – case pending before this Court, which is captioned as: *Hershkowitz, et al. v. United Collection Bureau, Inc.*, U.S. Dist. Court, E.D.N.Y. Case No. 1:12-cv-03373-MKB-RLM.

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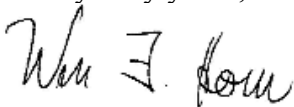
Mr. Jacobs and Ms. Skolnick represent the Defendant in all of three of these related cases – yet Mr. Jacobs and Ms. Skolnick have apparently declined to comply with Local Civil Rule 1.6(a), which imposes a continuing duty on all attorneys appearing in a civil case to “bring promptly to the attention of the Court all facts which said attorney believes are relevant to a determination that said case and one or more pending civil or criminal cases should be heard by the same Judge, in order to avoid unnecessary duplication of judicial effort.” Remarkably, Ms. Skolnick failed and/or refused to inform the Court of the pending *Hershkowitz* case at the August 1st Initial Conference before Your Honor despite the fact that both she and Mr. Jacobs entered personal appearances on behalf of Defendant in *Hershkowitz* on July 24, 2012. Apparently, Defendants’ counsel has had ample opportunity since August 1, 2012 to bring these related cases to the Court’s attention, but have for reasons unknown to the undersigned declined to do so.

Mr. Jacobs and Ms. Skolnick’s have consistently ignored all of Plaintiff’s attempts to date to engage them in discussions about this case and the *Gravina* case. [See e.g., *Gravina* Doc. 37 at Pg. 2, ¶3]. Moreover, Plaintiff has been forced to incur additional time and expense concerning these related cases, which could have been avoided had Defendant’s counsel simply fulfilled their duty under Local Civil Rule 1.6(a) by informing the Plaintiff and the Court about the existence of these related matters.

In light of the foregoing, Plaintiff respectfully requests that Your Honor issue an Order directing Defendants’ counsel, Barry Jacobs and Shari Skolnick, to Show Cause why the Court should not pursuant to Local Civil Rule 1.6(b) “assess reasonable costs directly against counsel whose action has obstructed the effective administration of the Court’s business.”

Plaintiff respectfully thanks Your Honor in advance for the Court’s attention to, and consideration of, the issues set forth above.

Very truly yours,



William F. Horn

cc: Shari Skolnick, Esq. *via ECF*  
Barry Jacobs, Esq., *via ECF*  
Abraham Kleinman, Esq. *via ECF*